

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

KENNETH TITSWORTH

PLAINTIFF

v.

No. 2:18-CV-02111

TREVOR HODGE, M.D., et al.

DEFENDANTS

ORDER

Before the Court is Plaintiff's motion (Doc. 109) to substitute parties. Defendants HMA, LLC and Sparks Health System filed a response (Doc. 110) in opposition. Defendants HMA, LLC and Sparks Health System then filed a supplemental response (Doc. 111) to the motion to substitute parties.

Federal Rule of Civil Procedure 25(a) allows the Court to order substitution of the proper party if a party dies and the claim is not extinguished. On July 11, 2018, Defendants Sparks Health System and HMA, LLC filed a suggestion of death (Doc. 92) indicating that Defendant Trevor Hodge, M.D. died on June 22, 2018. On September 13, 2018, J. Randall McGinnis was appointed Special Administrator of the Estate of Trevor Soter John Hodge (Doc. 109, p. 1). Mr. McGinnis's appointment as Special Administrator of Dr. Hodges's estate was in effect until a "general administrator [was] appointed by [the] court." (Doc. 109-1, p. 2). On September 14, 2018, Thomas Hodge was appointed personal representative of the estate of Dr. Hodge. (Doc. 111-1, p. 2). Thomas Hodge accepted letters of administration on September 17, 2018. (Doc. 111-1, p. 1). Thomas Hodge, as personal representative of the estate of Trevor Hodge, M.D., is the proper party for substitution in this matter.

IT IS THEREFORE ORDERED that Plaintiff's motion (Doc. 109) is GRANTED IN PART and DENIED IN PART. The Clerk is directed to amend the caption of this case and

substitute Defendant Thomas Hodge, as personal representative of the estate of Trevor Soter John Hodge for Defendant Trevor Hodge, M.D.

IT IS SO ORDERED this 22nd day of October, 2018.

/s/ P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE